

**FOURTEENTH DAY**

(January 30, 1962)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis
Lane	

**Absent—Excused**

Roberts                      Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Fuller.

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Owen.

**Message from the House**

Hall of the House of Representatives

Austin, Texas,  
January 30, 1962.

Senator Charles F. Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 84, Amending Article 182A, Acts 1951, 52nd Legislature,

page 1097, Chapter 492, as amended by Acts 1954, 53rd Legislature, First Called Session, page 85, Chapter 36, Section 1, codified as Article 13.04A, Vernon's Texas Election Code, by changing the provision relating to counties, having a population in excess of eight hundred thousand (800,000) inhabitants to apply to counties having a population in excess of five hundred thousand (500,000) inhabitants and counties containing a city of over one hundred thousand (100,000) inhabitants partially located in two counties; providing a severability clause; and declaring an emergency.

(With amendments.)

H. B. No. 96, A bill to be entitled "An Act amending Article 879h-1 of the Penal Code of Texas, as last amended, so as to authorize an open archery season, or period of time, when it shall be lawful to hunt, take and kill solely with bows and arrows, wild buck deer, wild bear, wild turkey gobblers and collared peccary or javelina in Nueces County, Texas."

H. B. No. 108, Creating the Old Galveston Quarter in order to preserve certain historically significant areas; providing a Commission to effectuate this purpose, and granting the Commission certain powers and authorities in order to carry out this purpose; providing for revenue bonds; . . . etc.; and declaring an emergency.

The House has concurred in Senate amendments to House Bill No. 17 by vote of 139 ayes, 0 noes.

Respectfully submitted,

**DOROTHY HALLMAN,**

Chief Clerk House of Representatives

**Reports of Standing Committees**

Senator Krueger submitted the following report:

Austin, Texas,  
January 30, 1962.

Senator Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 27, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

**KRUEGER, Chairman.**

Senator Parkhouse submitted the following report:

Austin, Texas,  
January 30, 1962.

Senator Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 66, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PARKHOUSE, Chairman.

#### House Bill 27 Ordered Not Printed

On motion of Senator Fuller and by unanimous consent H. B. No. 27 was ordered not printed.

#### House Bill 66 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent H. B. No. 66 was ordered not printed.

#### Senate Concurrent Resolution 24

Senator Martin offered the following resolution:

S. C. R. No. 24, Requesting The Legislative Budget Board to study salaries of Administrative Officials of the State Government.

Whereas, The Fifty-fifth Legislature made provision for a job classification study to provide equal pay for equal work for state employees; and

Whereas, The Fifty-sixth Legislature made provision for continuation of said study; and

Whereas, The Fifty-seventh Legislature implemented the recommended provisions of the job classification plan which resulted from studies conducted over a period of several years; and

Whereas, The law enacted by the Fifty-seventh Legislature provides for further extension of the classification system into areas not presently covered; and

Whereas, Top administrative positions are not covered by the provisions of the Classification Act of 1961; and

Whereas, There is a growing awareness among Members of the Legislature of the need to conduct a thorough study of the salaries and other compensation of key administrative officials of the State government, to the end that a more fair and equitable salary structure for these po-

sitions may also be developed; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Legislative Budget Board be requested to make a thorough and comprehensive study of salaries and other compensation of chief administrative officials and their top assistants, taking into consideration salaries and other emoluments received by such officials, the rates of compensation provided comparable offices in other states, in other governments and in non-governmental fields, and that the results of such study, with specific recommendations thereon, be made available to the Fifty-eighth Legislature; and be it further

Resolved, That the several departments, agencies, institutions, boards and commissions of the State government cooperate fully with the Legislative Budget Board in its conduct of this study; and be it further

Resolved, That copies of this resolution be sent to the Acting Chairman of the Legislative Budget Board and the Legislative Budget Director.

The resolution was read.

On motion of Senator Martin and by unanimous consent the resolution was considered immediately and was adopted.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
January 30, 1962.

Senator Charles F. Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 37, A bill to be entitled "An Act establishing the extraterritorial jurisdiction of cities and towns, authorizing the exercise of certain powers by cities and towns in such extraterritorial jurisdiction, and regulating annexation by cities and towns both within and without such extraterritorial jurisdiction; invalidating certain annexations; providing for the disannexation of certain areas annexed by cities and towns after the effective date of this Act under certain conditions; providing cities and towns having conflicting claims over annexed territory may seek a declaration of

lawful jurisdiction over same under the Uniform Declaratory Judgments Act; amending Subdivision 2 of Article 1175, Revised Civil Statutes of Texas, 1925; providing that the provisions of this Act shall be cumulative of all laws and parts of laws relating to this subject; providing for severability; providing for exclusion of annexations in litigation; and declaring an emergency."

H. B. No. 105, Amending Section 5 of Article 527 of the Penal Code of Texas, 1925, as amended, relating to defenses and exemptions applicable under the Article; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk House of Representatives

#### Bills Signed

The President Pro Tempore signed in the presence of the Senate after the captions had been read, the following enrolled bills:

S. B. No. 23, A bill to be entitled "An Act amending Section 9 of Chapter 136, Acts of the 42nd Legislature, Regular Session, 1941, to allow the County Judge of Travis County to sit and act for the Judge of the County Court at Law of Travis County in the event of his absence or incapacity; and declaring an emergency."

S. B. No. 31, A bill to be entitled "An Act creating Brazoria County Road District No. 36, of Brazoria County, Texas, under authority of Section 52, Article III, Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof; etc.; and declaring an emergency."

S. B. No. 35, A bill to be entitled "An Act amending Chapter 318, Acts of the 51st Legislature, Regular Session, 1949, as amended, codified as Article 5421m, Vernon's Texas Civil Statutes, and Article 3.50 of the Insurance Code of the State of Texas, Acts 55th Legislature, 1957, page 801, Ch. 336, as amended, by adding thereto new sections so as to authorize the Veterans' Land Board to enter into a master agreement with one or more life insurance companies to provide mortgage cancellation life insurance coverage for purchasers indebted to the Veterans' Land Board; prescrib-

ing administration, powers and duties; prescribing certain limitations; and declaring an emergency."

S. B. No. 40, A bill to be entitled "An Act amending Section 2 of Chapter 223, Acts of the 56th Legislature, Regular Session, 1959, page 505 (codified as Article 4437f of Vernon's Annotated Civil Statutes of Texas), in regard to the definition of 'hospital'; containing the severance clause; and declaring an emergency."

S. B. No. 46, A bill to be entitled "An Act validating the action of certain junior college districts relating to the conduct of bond elections, validating bonds issued and to be issued, bond taxes and maintenance taxes and providing this Act shall have no application to litigation now pending questioning the matters hereby validated, providing such litigation or proceedings are ultimately determined against the validity of matters hereby validated; providing a savings clause; and declaring an emergency."

S. B. No. 68, A bill to be entitled "An Act prohibiting the possession or use of any seine, net, or trawl in or around the waters of Lake Houston in Harris County; providing for the use of certain tackle for catching bait in such waters; providing a penalty for the violation of any provision of this Act; granting the Game and Fish Commission the power to seize and hold certain tackle as evidence; repealing all laws or parts of laws in conflict, with certain exceptions; and declaring an emergency."

S. B. No. 71, A bill to be entitled "An Act amending Section 3 of Chapter 10, Acts of the 57th Legislature, First Called Session, 1961, so as to authorize the State Parks Board to grant concessions to certain concessioners to charge for the use of a pier to be constructed in Lavaca Bay; and declaring an emergency."

S. B. No. 72, A bill to be entitled "An Act conveying whatever right, title or interest the State of Texas may have in certain lands to the City of Mineral Wells; and declaring an emergency."

#### Messages from the Governor

The following messages received from the Governor were read and were filed with the Secretary of the Senate:

January 29, 1962.

To the Members of the 57th Legislature, Third Called Session:

Because of the crowded docket of the district court of Orange County and the need of County Commissioners to arrange court facilities in advance of the effective date of the creation of a new district court, I hereby submit the subject of a second district court for Orange County, effective September 1, 1963.

Respectfully submitted,  
PRICE DANIEL,  
Governor.

January 30, 1962.

To the Members of the 57th Legislature, Third Called Session:

In order to clarify a previous submission, I hereby submit for your consideration an appropriation for replacement of facilities, equipment, materials and supplies damaged or destroyed by fire at Prairie View A & M College on January 9, 1962.

Respectfully submitted,  
PRICE DANIEL,  
Governor.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 37, To the Committee on State Affairs.

H. B. No. 108, To the Committee on Counties, Cities and Towns.

H. B. No. 96, To the Committee on Game and Fish.

H. B. No. 105, To the Committee on Jurisprudence.

#### Senate Resolution 64

Senator Willis offered the following resolution:

Whereas, The State Board of Insurance Commissioners, by an Administrative Order, adopted and put into effect the so-called Safe Driving Plan or Merit Rating Plan whereby Texas drivers are given points for each traffic violation that in turn increases the premium said driver pays for his automobile insurance; and

Whereas, Penalty points and increased rates are now given all drivers who pay fines for speeding,

whether the driver exceeded the speed limit by only 5 miles or 50 miles, and this places the ordinary, careful driving citizen who sometimes inadvertently exceeds the speed limits by a few miles in the same class and category with the reckless maniac who thunders down the highways at 100 miles per hour in wanton disregard of life and property; and

Whereas, There should be a cushion of at least 10 miles over the stated speed limits of Texas before points should be assessed for speeding which raise the unintentional offenders' insurance rates; and

Whereas, Under the present plan points are assessed against drivers of their personal automobiles for traffic violations that are not assessed against other classes of drivers such as commercial vehicles, company owned cars, etc., which is grossly unfair to the general public and average citizen; and

Whereas, Most citizens of Texas think this so-called Safe Driving Plan is a law when in truth and in fact it is an administrative order written and put into effect by the State Board of Insurance Commissioners. It has resulted in confusion, misunderstanding and mistrust by the drivers of Texas and should be abolished or at least drastically revised to differentiate between drivers who unintentionally and barely exceed the speed limits and those who flagrantly disregard same, and by placing all drivers in the same category without favoring drivers of commercial and certain other types of vehicles over the average citizen driving his personal car; now, therefore, be it

Resolved, That copies of this resolution be mailed to each member of the State Board of Insurance Commissioners requesting that they give careful consideration and serious study to the content and recommendations herein contained.

The resolution was read.

Question—Shall S. R. No. 64 be considered immediately?

#### Recess

On motion of Senator Baker the Senate at 11:57 o'clock a.m. took recess until 2:00 o'clock p.m. today.

#### After Recess

The President Pro Tempore called

the Senate to order at 2:00 o'clock p.m. today.

### Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 30, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 45, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Smith by unanimous consent submitted the following report:

Austin, Texas,  
January 29, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate:

Sir: We, your Committee on Finance, to whom was referred H. B. No. 10, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

SMITH, Vice-Chairman.

### House Bill 45 on Second Reading

Senator Moore moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 45 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hardeman	Schwartz
Hazlewood	Secrest
Herring	Smith
Hudson	Spears
Kazen	Willis
Krueger	

#### Nays—1

Patman

#### Absent

Colson  
Lane

Martin

#### Absent—Excused

Roberts

Weinert

The President Pro Tempore then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 45, A bill to be entitled "An Act authorizing counties to pay for the relocation of water lines owned by water control and improvement districts under certain circumstances; and declaring an emergency."

The bill was read the second time and was passed to third reading.

### House Bill 45 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President Pro Tempore laid H. B. No. 45 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

#### Yeas—27

Aikin	Lane
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hardeman	Schwartz
Hazlewood	Secrest
Herring	Smith
Hudson	Spears
Kazen	Willis
Krueger	

#### Nays—1

Patman

#### Absent

Martin

#### Absent—Excused

Roberts

Weinert

**Senate Resolution 64 on Second Reading**

The Senate resumed the consideration of the pending business, same being S. R. No. 64 on its second reading.

Question—Shall S. R. No. 64 be considered immediately?

On motion of Senator Willis and by unanimous consent the resolution was laid before the Senate for consideration at this time.

S. R. No. 64 was then adopted.

**Motion for Meeting of Conference Committee on Senate Bill 39**

Senator Rogers asked unanimous consent for the Conference Committee on S. B. No. 39 to meet while the Senate was in Session.

There was objection.

**Report of Standing Committee**

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 30, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 108, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

**House Concurrent Resolution 10 Re-referred**

On motion of Senator Spears and by unanimous consent H. C. R. No. 10 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Interstate Corporations.

**Report of Standing Committee**

Senator Smith by unanimous consent submitted the following report:

Austin, Texas,  
January 30, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate:

Sir: We, your Committee on Interstate Corporations, to whom was referred H. C. R. No. 10, have had the same under consideration, and we are

instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

SMITH, Chairman.

**House Concurrent Resolution 10 Ordered Not Printed**

On motion of Senator Spears and by unanimous consent H. C. R. No. 10 was ordered not printed.

**Committee Substitute Senate Bill 64 on Second Reading**

Senator Baker asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 64 for consideration at this time.

There was objection.

Senator Baker then moved to suspend the regular order of business and take up C. S. S. B. No. 64 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Ratliff
Dies	Reagan
Hardeman	Schwartz
Herring	Smith
Kazen	Spears
Krueger	Willis
Lane	

Nays—4

Aikin	Owen
Hudson	Patman

Absent

Fuller	Rogers
Hazlewood	Secrest

Absent—Excused

Roberts	Weinert
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The President Pro Tempore laid before the Senate on its second reading passage to engrossment:

C. S. S. B. No. 64, A bill to be entitled "An Act amending and re-enacting Chapter 173, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, relating to the issuance, expiration, renewal, cancellation, suspension and revocation of operator's, commercial opera-

tor's, and chauffeur's driver's licenses, and relating to violations, remitting of fees, penalties, reporting requirements and other general provisions; providing rules of construction; providing a saving clause; repealing laws in conflict; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Moore moved for a full reading of C. S. S. B. No. 64.

The motion for a full reading of C. S. S. B. No. 64 was lost by the following vote:

## Yeas—7

Aikin	Krueger
Calhoun	Moffett
Creighton	Moore
Hudson	

## Nays—17

Baker	Parkhouse
Colson	Patman
Crump	Ratliff
Dies	Reagan
Hardeman	Schwartz
Herring	Secrest
Kazen	Spears
Lane	Willis
Owen	

## Absent

Fuller	Rogers
Hazlewood	Smith
Martin	

## Absent—Excused

Roberts	Weinert
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Question—Shall C. S. S. B. No. 64 be passed to engrossment?

## Motion to Adjourn

Senator Krueger moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Senator Crump moved that the Senate stand recessed until 10:00 o'clock a.m. tomorrow.

Question first on the motion by Senator Krueger to adjourn until 10:00 o'clock a.m. tomorrow. Yeas and Nays were demanded.

The motion was lost by the following vote:

## Yeas—7

Calhoun	Moffett
Creighton	Moore
Herring	Spears
Krueger	

## Nays—17

Aikin	Owen
Baker	Patman
Colson	Ratliff
Crump	Reagan
Dies	Schwartz
Hardeman	Secrest
Kazen	Smith
Lane	Willis
Martin	

## Absent

Fuller	Parkhouse
Hazlewood	Rogers
Hudson	

## Absent—Excused

Roberts	Weinert
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Question next on the motion by Senator Crump to recess until 10:00 o'clock a.m. tomorrow. Yeas and Nays were demanded.

The motion was lost by the following vote:

## Yeas—11

Baker	Krueger
Calhoun	Moore
Creighton	Owen
Crump	Ratliff
Hardeman	Spears
Herring	

## Nays—16

Aikin	Moffett
Colson	Patman
Dies	Reagan
Hazlewood	Rogers
Hudson	Schwartz
Kazen	Secrest
Lane	Smith
Martin	Willis

## Absent

Fuller	Parkhouse
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## Absent—Excused

Roberts	Weinert
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### Committee Substitute Senate Bill 64 on Second Reading

The Senate resumed the consideration of the pending business, same

being C. S. S. B. No. 64 on its second reading.

Question: Shall C. S. S. B. No. 64 be passed to engrossment?

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 64 by striking out all below the enacting clause.

The amendment was read.

Question—Shall the amendment by Senator Moore to C. S. S. B. No. 64 be adopted?

#### Welcome Resolutions

S. R. No. 62—By Senator Kazen: Extending welcome to Eighth Grade Class of Benavides Junior High School and teachers.

S. R. No. 63—By Senator Crump: Extending welcome to students of the Government Class of the Southwest Texas Junior College, their sponsors, Mrs. Phillips Graham and Mr. Edwin J. Stein.

S. R. No. 65—By Senator Moffett:

Extending welcome to Mr. Herbert Partridge of Munday, Texas.

S. R. No. 67—By Senator Lane for President Pro Tempore Herring: Extending welcome to Mrs. Kaiser and thirty pupils of the Third Grade of the St. Elmo School of Austin.

#### Memorial Resolutions

S. R. No. 60—By Senator Dies for President Pro Tempore Herring: In memory of J. Frank Smith.

S. R. No. 66—By Senator Spears: In memory of A. S. Toepperwein.

S. R. No. 68—By Senator Owen: In memory of Miss Louise A. Dietrich.

#### Adjournment

On motion of Senator Schwartz the Senate at 4:14 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### Record of Votes

Senators Patman, Hardeman, Ratliff and Kazen asked to be recorded as voting "Nay" on the motion to adjourn.



In Memory of  
**H. L. Morris**

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Senator Aikin offered the following resolution:

(Senate Resolution 61)

Whereas, God in His infinite wisdom has called from these earthly labors H. L. Morris, of Greenville, Texas; and

Whereas, Mr. Morris was the father of a former Member of this Body, Senator G. C. Morris; and

Whereas, Mr. Morris was an outstanding citizen and a conscientious Christian gentleman, having been a member of Wesley Methodist Church many years; and

Whereas, He had, for many years, been a member of the Greenville Police Department, and made an outstanding contribution to law enforcement; and

Whereas, His contributions made his community and his State a better place in which to live; and

Whereas, The Senate desires to express our deepest sympathy to Mrs. Morris, former Senator G. C. Morris, Vinson Morris of Corpus Christi, and the other members of his family; now, therefore, be it

Resolved, That this resolution be adopted by a rising vote and that copies be sent to the members of his family.

AIKIN  
ROBERTS  
HARDEMAN  
HERRING

Signed—Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Rogers, Schwartz, Secrest, Smith, Spears, Weinert, Willis.

The resolution was read.

On motion of Senator Secrest and by unanimous consent the names of the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.